

Assembly Bill No. 1200

CHAPTER 8

An act to amend Sections 7200, 7204, 7210, 7403, 7408, 7444, 7655, 7680, 8145, and 15401 of, to add Sections 7201.1 and 7201.2 to, and to repeal Sections 7681, 7782, and 7837 of, the Elections Code, relating to elections, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 8, 2012. Filed with
Secretary of State March 8, 2012.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1200, Ma. Elections: central committees.

Existing law requires that each member of a county central committee for the Democratic, Republican, and American Independent Parties take and subscribe to an oath or affirmation, as specified. Existing law provides that the oath or affirmation may be taken before any officer authorized to administer oaths.

This bill would, instead, provide that the oath or affirmation may be taken before the chairperson of the county central committee, the immediate predecessor of the chairperson, or a designee of the chairperson or his or her immediate predecessor.

Existing law entitles a member elected to central committees for the Democratic, Republican, American Independent, and Peace and Freedom Parties to receive a certificate of election.

This bill would eliminate the above-described entitlement to receive a certificate of election and make other conforming changes.

Existing law provides how members are elected to county central committees. The method by which members are elected varies from county to county depending upon certain factors, such as the number of Assembly districts that exist within the county.

This bill would provide that, for the Democratic Party, in the County of Sacramento, the elected members of the county central committee shall be elected by supervisor districts with 6 members elected from each supervisor district, as specified.

This bill would provide that, for the Democratic Party, in the County of Alameda, the elected members of the county central committee shall be elected by Assembly districts and that the committee shall contain at least a certain number of members from each district, as specified.

This bill would provide that, for the Democratic and Republican Parties, in the City and County of San Francisco, the elected members of the county central committee shall be elected by Assembly districts, as specified.

This bill would provide that, for the June 5, 2012, statewide primary election for the Democratic Party, in the County of Sacramento, and for the

Democratic and Republican Parties, in the City and County of San Francisco, signers of nomination papers for candidates for county central committees shall be limited to voters who disclosed a preference for the respective parties and who are residents of the respective counties.

Under existing law, for the Democratic Party, in each county containing less than 5 Assembly districts, the county central committee is required to reapportion itself at least every 10 years, prior to the June primary election of that year, as specified.

This bill would eliminate the above-described reapportionment requirement.

Existing law requires that each county central committee of the American Independent Party meet in the courthouse at its county seat, upon call, which shall be given by the elections official of the county and in quarters to be arranged or provided for by the elections official of the county, as specified.

This bill would, instead, require the committee to meet at its county seat, upon call, which shall be given by the chairperson of the county central committee or the immediate predecessor of the chairperson.

This bill would declare that it is to take effect immediately as an urgency statute.

The people of the State of California do enact as follows:

SECTION 1. Section 7200 of the Elections Code is amended to read:

7200. (a) In each county containing less than five Assembly districts, a county committee shall be elected by supervisor districts, and the number to be elected from any supervisor district shall be determined as follows: There shall be taken the number of votes cast in the supervisor district at the last gubernatorial election for that party's candidate for Governor, or, if the party had no candidate for Governor, for the candidate of the party voted on throughout the state who received the greatest number of votes and who was the candidate of that party alone. This number shall be divided by one-twentieth of the number of votes cast in that county for Governor or, where the party had no candidate for Governor, for the candidate mentioned above. The integer next larger than the quotient obtained by that division shall constitute the number of members of the committee to be elected by that party in that supervisor district.

(b) The committees in counties containing less than five Assembly districts shall be composed of not less than 21 members. If the procedure outlined above would result in less than 21 members being elected for any committee, the number of votes cast for this party's candidate in each supervisor district shall be divided by an amount sufficiently smaller than one-twentieth of the votes cast for Governor in that county as to give a membership in the committee equal to or the nearest amount that is greater than 21 members.

SEC. 2. Section 7201.1 is added to the Elections Code, to read:

7201.1. (a) Notwithstanding any other provision of law, in the County of Sacramento, the elected members of the county central committee shall be elected by supervisor districts with six members elected from each supervisor district. Each member shall be a resident of the county and of the supervisor district that the member represents. Only a person who is a resident of the county may vote for a candidate for membership to the county central committee and may vote only for candidates seeking to represent the supervisor district in which the voter resides.

(b) Notwithstanding any other provision of law, for the June 5, 2012, statewide primary election, signers of nomination papers for candidates for the county central committee shall be voters who disclosed a preference, pursuant to Section 2151, for the Democratic Party and who are residents in the County of Sacramento, regardless of whether they are residents of the district in which the candidate is to be voted on.

SEC. 3. Section 7201.2 is added to the Elections Code, to read:

7201.2. (a) Notwithstanding any other provision of law, in the County of Alameda, the elected members of the county central committee shall be elected by Assembly districts and the number to be elected from any Assembly district shall be determined as follows: There shall be taken the number of votes cast in that portion of the Assembly district lying within the County of Alameda at the last gubernatorial election for that party's candidate for Governor, or, if the party had no candidate for Governor, for the candidate of the party voted on throughout the state who received the greatest number of votes and who was the candidate of that party alone. This number shall be divided by one-thirtieth of the number of votes cast in the county for Governor or, where the party had no candidate for Governor, for the candidate mentioned above. The integer next larger than the quotient obtained by that division shall constitute the number of members of the committee to be elected by that party in that Assembly district.

(b) If the procedure described above would result in less than 30 members being elected for any committee, the number of votes cast for this party's candidate in that portion of each Assembly district lying within the County of Alameda shall be divided by an amount sufficiently smaller than one-thirtieth of the votes cast for Governor in the county as to give a membership in the committee equal to or the nearest amount that is greater than 30 members.

Only a person who is a resident of the county may vote for a candidate for membership to the county central committee and may vote only for candidates seeking to represent the Assembly district in which the voter resides.

SEC. 4. Section 7204 of the Elections Code is amended to read:

7204. (a) In the City and County of San Francisco, the county central committee shall be elected from the two Assembly districts located in the city and county and shall consist of 24 members. Whichever of the two Assembly districts consists of the majority of the registered Democrats in the city and county shall elect 14 members and the Assembly district that

consists of the minority of the registered Democrats in the city and county shall elect 10 members.

(b) Both of the following shall apply for purposes of this section:

(1) “Registered Democrat” means any voter in the city and county who has expressed a preference for the Democratic Party on his or her affidavit of registration pursuant to Sections 2150, 2151, and 2152 as of the 154th day prior to the first direct primary election after any redistricting of Assembly district boundaries.

(2) The City and County of San Francisco Department of Elections, or any comparable successor agency, shall calculate the percentage of the total registered Democrats in each Assembly district in the city and county.

(c) Notwithstanding any other provision of law, for the June 5, 2012, statewide primary election, signers of nomination papers for candidates for the county central committee shall be voters who disclosed a preference, pursuant to Section 2151, for the Democratic Party and who are residents in the County of San Francisco, regardless of whether they are residents of the district in which the candidate is to be voted on.

SEC. 5. Section 7210 of the Elections Code is amended to read:

7210. (a) Each member of a committee, whether elected to the committee or appointed to fill a vacancy, before he or she enters upon the duties of his office, shall take and subscribe the oath or affirmation set forth in Section 3 of Article XX of the Constitution.

(b) The oath or affirmation required by this section may be taken before the chairperson of the county central committee, the immediate predecessor of the chairperson, or a designee of the chairperson or his or her immediate predecessor.

SEC. 6. Section 7403 of the Elections Code is amended to read:

7403. (a) In the City and County of San Francisco, the county central committee shall be elected from the two Assembly districts located in the city and county and shall consist of 25 members. Whichever of the two Assembly districts consists of the majority of the registered Republicans in the city and county shall elect 13 members plus one additional member for every 4 percent of the registered Republicans in the district above a majority of the registered Republicans in the city and county. The remainder of the members shall be elected from the Assembly district that consists of the minority of the registered Republicans in the city and county.

(b) Both of the following shall apply for purposes of this section:

(1) “Registered Republican” means any voter in the city and county who has expressed a preference for the Republican Party on his or her affidavit of registration pursuant to Sections 2150, 2151, and 2152 as of the 154th day prior to the first direct primary election after any redistricting of Assembly district boundaries.

(2) The City and County of San Francisco Department of Elections, or any comparable successor agency, shall calculate the percentage of the total registered Republicans in each Assembly district in the city and county.

(c) Notwithstanding any other provision of law, for the June 5, 2012, statewide primary election, signers of nomination papers for candidates for

the county central committee shall be voters who disclosed a preference, pursuant to Section 2151, for the Republican Party and who are residents in the County of San Francisco, regardless of whether they are residents of the district in which the candidate is to be voted on.

SEC. 7. Section 7408 of the Elections Code is amended to read:

7408. (a) Each member of a committee, whether elected to the committee or appointed to fill a vacancy, before he or she enters upon the duties of his or her office, shall take and subscribe the oath or affirmation set forth in Section 3 of Article XX of the Constitution.

(b) The oath or affirmation required by this section may be taken before the chairperson of the county central committee, the immediate predecessor of the chairperson, or a designee of the chairperson or his or her immediate predecessor.

SEC. 8. Section 7444 of the Elections Code is amended to read:

7444. If the chairperson of a committee refuses to call a meeting, a meeting may be called upon five days' notice by a majority of the members of the committee.

SEC. 9. Section 7655 of the Elections Code is amended to read:

7655. (a) Each member of a committee, whether elected to the committee or appointed to fill a vacancy, before he or she enters upon the duties of his or her office, shall take and subscribe the oath or affirmation set forth in Section 3 of Article XX of the Constitution.

(b) The oath or affirmation required by this section may be taken before the chairperson of the county central committee, the immediate predecessor of the chairperson, or a designee of the chairperson or his or her immediate predecessor.

SEC. 10. Section 7680 of the Elections Code is amended to read:

7680. Each committee shall meet at its county seat, upon call, which shall be given by the chairperson of the county central committee or the immediate predecessor of the current chairperson of the county committee on the second Tuesday in July following the direct primary election, except that in any year in which a national convention of the party includes that date, the existing executive committee of a committee shall set the date of the meeting, not to exceed 30 days after the date herein specified.

SEC. 11. Section 7681 of the Elections Code is repealed.

SEC. 12. Section 7782 of the Elections Code is repealed.

SEC. 13. Section 7837 of the Elections Code is repealed.

SEC. 14. Section 8145 of the Elections Code is amended to read:

8145. It is the duty of the officers charged with the canvass of the returns of any primary election in any county or city to issue certificates of nomination to candidates nominated for nonpartisan offices voted for wholly within one county.

SEC. 15. Section 15401 of the Elections Code is amended to read:

15401. The elections official shall make out and deliver to each person elected or nominated, as declared by the governing body, except those elected to a central committee, a certificate of election or nomination, signed and authenticated by the elections official.

SEC. 16. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to provide for the effective and efficient conduct of the June 5, 2012, statewide primary election, it is necessary that this act take effect immediately.